

BINGHAM

**MEMO ENDORSED**

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December 27, 2007

Via Fax: (212) 805-6717

The Honorable Richard M. Berman  
United States District Court for the  
Southern District of New York  
Daniel Patrick Moynihan U.S. Courthouse  
500 Pearl Street  
New York, NY 10007

Re: **Shanghai ELE Manufacturing Corp. v.  
Tower Manufacturing Corp.**  
S.D.N.Y. No. 07-cv-10651

Dear Judge Berman:

I am counsel for plaintiff Shanghai ELE Manufacturing Corporation in this case, and John Cotter is counsel for defendant Tower Manufacturing Corporation. We write to request an extension of the Rule 16 scheduling conference presently scheduled for January 9, 2008. Mr. Cotter briefly discussed this request today in a phone call with your Law Clerk Andrew Brettler, who suggested that we submit this letter.

We seek an extension of several weeks because an upcoming ruling in a related case will determine whether there is a need for the conference in this case. In this case, Shanghai ELE seeks declaratory relief concerning the same parties and patent that are the subjects of a related patent infringement case pending in the District of Rhode Island, *Tower Manufacturing Corp. v. Shanghai ELE Manufacturing Corp.*, D. R.I. No. 06-cv-170S-DLM. The parties are awaiting the Rhode Island court's decision on Shanghai ELE's motion to dismiss the Rhode Island case for lack of personal jurisdiction, which is fully briefed and was argued on November 21, 2007. If the Rhode Island case is dismissed, Shanghai ELE expects to proceed with the New York case; if the Rhode Island case is not dismissed, Shanghai ELE expects to dismiss the New York case voluntarily.

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**CONFERENCE ADJOURNED UNTIL  
2/11/08 AT 9:15 A.M.**

**SO ORDERED:**

Date: 12/27/07

**Richard M. Berman**  
Richard M. Berman, U.S.D.J.

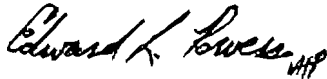
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The Honorable Richard M. Berman  
**December 27, 2007**  
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Based on our understanding of Your Honor's schedule and the need for time to decide the Rhode Island motion to dismiss, we request that the Rule scheduling conference be rescheduled to early or mid February, 2008.

Sincerely yours,

A handwritten signature in black ink, appearing to read "Edward L. Powers".

Edward L. Powers

/pjb

cc: John J. Cotter, Esq. *(via email)*